IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4419 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DAHYABHAI MITHABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MS KJ BRAHMBHATT for Petitioner

Mr. LR Pujari AGP forfor Respondents.

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 17/10/2000

ORAL JUDGEMENT

Learned advocate Ms. Brahmbhatt is appearing for the petitioner. Learned AGP Mr. Pujari is appearing for the respondents. This petition was admitted by this court on 28th June, 1996 and by way of ad interim relief,

status quo with respect to the subject matter of this petition was directed to be maintained by both the sides. Said ad interim relief has been confirmed on 18th July, 1996 and thereafter, by order dated 13.9.2000, respondent authorities were directed to clarify the position as regards possession of the land in question after verifying the same with the authorities. In response to the said order, today, learned AGP Mr. Pujari has produced letter dated 28th September, 2000 issued by the competent authority and additional collector, Surat which is taken on the record of this petition. In the said letter, it has been mentioned that the possession of the excess land in question has not been taken over by the State Government.

In this petition, the petitioner has challenged the orders at annexure "B" and "D" passed by the respondents no. 2 and 3 dated September 20, 1995 and March,1996.

Therefore, in view of the letter dated 28.9.2000 issued by the competent authority as referred to hereinabove, it is clear that the possession of the excess land in question has not been taken over by the State Government.

The Urban Land (Ceiling and Regulation)Act,1976 has been repealed by the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act,1976 in respect of the land in question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. Rule is discharged. Interim relief granted earlier shall stand vacated. There shall be no order as to costs.

17.10.2000 (H.K. Rathod,J.)

Vyas